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JUL 28 2009

COUNCILMEMBER
DONNA FRYE

OFFICE OF MAYOR JERRY SANDERS

DATE: July 28, 2009

TO: City Attorney Jan Goldsmith

FROM: Mayor Jerry Sanders

SUBJECT: Ethics Commission

The City Ethics Commission has functioned smoothly and without controversy in the service of the public since it began its work in 2002. During that time, there has never been any suggestion that its members were not faithfully and honestly executing their duties, or that they were in any way beholden to the process by which they were appointed to their unpaid positions.

The citizens of San Diego owe a debt of gratitude to every commissioner who has served as a volunteer in this difficult and important role.

Today, the City Attorney's Office opined that City Council members cannot vote on Ethics Commission appointments while they are the subject of an outstanding investigation by the commission. As a consequence, the City Council, for the first time in its history, failed to take action to address vacancies on the Ethics Commission.

Based on your opinion, it is clear that the appointment process that has worked for seven years is no longer viable, as at any time a City Council majority could be ineligible to vote on appointments.

It is important for the public to understand that the Ethics Commission will continue to perform its duties, and my office is dedicated to the Ethics Commission's independence and to seeing its operations continue without interruption.

To that end, Council President Ben Hueso and I would like to convene a meeting with you to develop a new process that will allow the Ethics Commission and the City to move forward, and which will enhance the confidence the public has in the commission and its actions.

cc: Honorable Council President Ben Hueso
Honorable Councilmembers
Richard Valdez, Chairman, City Ethics Commission